

REMARKS

By the present amendment, claims 1 to 4 and 6 to 15 are under consideration in the application.

Restriction Requirement

Dependent claims 8 and 9 have been withdrawn from consideration due to the restriction requirement.

Dependent claim 8 depends and incorporates by reference all the limitations of independent claim 1. Dependent claim 9 depends from dependent claim 9.

If independent claim 1 is found allowable, it is respectfully requested that dependent claims 8 and 9 be rejoined to the application and found allowable.

Support For Claim Amendments

Claim 1

In claim 1, support for the limitation --free from containing Co-- may be found in the specification in Table 1, at page 16, wherein examples of the steels of the present invention do not contain Co.

In claim 1, support for changing “without substantially containing retained austenite” to read --without containing retained austenite--. The term “substantially” was deleted in response to the suggestion of the Examiner at page 4, lines 1 to 4 of the Office Action.

Claims 1 to 4 and 10

In claims 1 to 4 and 10, the term “containing” has been changed to --consists essentially of-- or --consisting essentially in response to the comments of the Examiner at Page 3, paragraph 10 of the Office Action.

§103

Claims 1 to 4, 6, 7 and 10 to 1 were rejected under 35 U.S.C. §103(a) as being unpatentable over the computer generated English translation of Japan No. 2001-234281.

This rejection, as applied to the amended claims, is respectfully traversed.

Patentability

The technology disclosed in JP 2001-234281 ('281 patent) relates to a high strength thin steel sheet excellent in adhesion for galvanizing and formability containing Co: 0.005 - 2.0% as an indispensable element to raise the C concentration in an austenite and for stable austenite formation. The average C concentration in the retained austenite of JP '281 is more than 0.9 mass % and the retained austenite is more than 3% in volume.

Further, the '281 patent [0017] clearly mentions that it makes 0.005% Co a minimum, and since Co is expensive ... practically sufficient ... 2.0% Co was made into the upper limit as an addition which can attain concentration. This means that Co must be contained in the steel sheet of the '281 patent for raising C concentration in the retained austenite and for stable austenite formation.

On the other hand, the present inventive steel does not contain Co and retained austenite. Therefore, the steel sheet disclosed in the '281 patent is totally different steel sheet from that of the present invention. Further, the '281 patent does not disclose or suggest an ability of chemical conversion property. Therefore, the '281 patent is very different from the present invention.


It is therefore submitted that amended independent claim 1, and all claims dependent thereof, are patentable over Japan No. 2001-234281.

CONCLUSION

It is submitted that in view of the present amendment and foregoing remarks, the application is now in condition for allowance. It is therefore respectfully requested that the application, as amended, be allowed and passed to issue.

Respectfully submitted,

KENYON & KENYON LLP

By: 
John J. Kelly, Jr.
Reg. No. 29,182

Dated: November 12, 2008

KENYON & KENYON LLP
One Broadway
New York, NY 10004
Telephone No. (212) 425-7200
Facsimile No. (212) 425-5288
CUSTOMER NO. 26646